IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Revision No.4300 of 2007
Date of Decision:24.08.2007

Suraj Pal

.....Petitioner

Vs.

R.K.Gaba and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

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The challenge in the present petition filed under Article 227 of the Constitution of India is for setting aside order dated 1.8.2007 passed by Civil Judge (Junior Division), Karnal whereby the evidence of the defendant was closed by order of the Court.

Learned counsel for the petitioner submitted that the case was adjourned to 16.7.2007 for evidence of the defendant. Then it was adjourned to 17.7.2007. On 17.7.2007, an adjournment was sought on the ground that the parties were heading towards settlement and the case was adjourned to 31.7.2007. On the next date also, it was adjourned on the plea of compromise for 1.8.2007 and on 1.8.2007 in the absence of the evidence of the petitioner, the same was closed by order of the Court. Learned counsel for the petitioner further submitted that on the earlier occasion in view of the efforts being made to compromise the matter, no evidence was produced by the defendant, and immediately all of a sudden when the case was adjourned for that purpose, the evidence of the defendant was closed. He did not summon the evidence in view of the efforts being made to compromise the matter. He submits that in case three opportunities are granted, he will complete his entire evidence. A number of opportunities requested by him is for the reason that number of official witnesses are to be produced by him.

After hearing learned counsel for the petitioner and without issuing notice to the respondents as the same would unnecessarily delay the

disposal of the present petition and further delay the trial of the suit, I deem it appropriate to allow two opportunities to the petitioner- defendant to complete his entire evidence at his own risk and responsibility subject to payment of Rs.5,000/- as costs to the respondent- plaintiff. The petitioner is at liberty to take assistance of the Court to summon the witnesses.

The revision petition is disposed of in the manner indicated above.

August 24, 2007 **(RAJESH BINDAL)**
renu **JUDGE**